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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHIW YIN CHAN and JIESHENG LIN,
:
Plaintiffs,
:
-v-
:
520 ASIAN RESTAURANT CORP. and TEO SU JIN,
:
Defendants.
:
-----X

19-CV-9521 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On November 5, 2020, Plaintiffs informed the Court that they have accepted Defendants' Offer of Judgment under Federal Rule of Civil Procedure 68 (Dkt. 54) and attached the Offer of Judgment as an exhibit (Dkt. 54-1). Plaintiffs also filed a Proposed Judgment for the Court to enter. (Dkt. 55.)

Once a plaintiff accepts a defendant's offer of judgment under Rule 68, "either party may then file the offer and notice of acceptance, plus proof of service." Fed. R. Civ. P. 68(a). Once this is complete, "[t]he clerk must then enter judgment." *Id.* However, the clerk may not enter judgment if the parties fail to file proof of service. *See Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395, 412 n.96 (2d Cir. 2019) (stating that Rule 68 requires "the parties to file . . . proof of service, with the district court before the clerk can enter the judgment"). Here, the parties did not file proof of service. Because the parties failed to comply with the requirements of Rule 68(a), this Court may not direct the clerk of court to enter judgment.

The parties shall file proof of service within one week of the filing of this Order.

SO ORDERED.

Dated: November 13, 2020
New York, New York


JOHN P. CRONAN
United States District Judge